

Article - State Finance and Procurement

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§4-410.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Assembly area” means a building or facility, or any portion of a building or facility, that:

1. is used for the purpose of entertainment, education, or civic gatherings; and

2. requires the use of a public address system.

(ii) “Assembly area” includes:

1. an amphitheater, an arena, and a stadium;

2. an auditorium;

3. a center for the performing arts;

4. a classroom and a lecture hall;

5. a concert hall;

6. a convention center;

7. a courtroom;

8. a legislative chamber;

9. a movie theater, a theater, and a playhouse; and

10. a public hearing and meeting room.

(iii) “Assembly area” does not include any outdoor area.

(3) “Assistive listening system” means an amplification system using transmitters to bypass the acoustical space between a sound source and a listener by means of a wireless direct connection, such as a hearing induction loop system, that couples to a:

(i) personal hearing device; or

(ii) receiver, such as a hearing induction loop receiver or other similar technology.

(4) “Construction or renovation” includes:

- (i) construction;
- (ii) reconstruction; and
- (iii) renovation.

(5) “Hearing induction loop” means a hearing loop or T-loop system that takes a sound source and transfers it directly via a magnetic signal to:

- (i) a hearing aid;
- (ii) a cochlear implant;
- (iii) a hearing induction loop receiver; or
- (iv) any other personal hearing device that acts as a receiver.

(6) “Recipient of State funds” means any of the following that receive State money for the construction or renovation of an assembly area:

- (i) a unit of State government;
- (ii) a unit of local government; or
- (iii) a for-profit or nonprofit entity or association.

(b) (1) A recipient of State funds shall install an assistive listening system in an assembly area during the construction or renovation of the assembly area if:

- (i) the assembly area uses or requires the use of a public address system; and
- (ii) a State contract has been executed to enable construction or renovation of the assembly area.

(2) (i) A recipient of State funds may apply for a waiver from the requirement under paragraph (1) of this subsection if:

1. the recipient claims that an assistive listening system is not technologically feasible; or

2. there is a dispute regarding whether the requirements of paragraph (1) of this subsection apply to a construction or renovation project.

(ii) A waiver request under subparagraph (i) of this paragraph shall include a description of the alternative assistive listening technology the recipient will use to comply with the Americans with Disabilities Act.

(c) (1) There is a Hearing Accessibility Advisory Board.

(2) (i) The Secretary shall appoint the members of the Board.

(ii) The Board shall consist of:

1. individuals who have expertise in assistive listening systems; and

2. consumers who use assistive listening systems.

(3) The Board shall:

(i) consult with stakeholders who are State residents who use or will use the facilities being built or renovated, including:

1. individuals with hearing loss; and

2. organizations that represent people with hearing loss and have background experience and knowledge of the use of assistive listening systems and devices;

(ii) make recommendations for regulations implementing this section;

(iii) consider applications for waivers submitted under subsection (b)(2) of this section; and

(iv) monitor compliance with this section and investigate any complaints regarding noncompliance.

(d) The Department shall adopt regulations to carry out this section, including regulations regarding:

(1) proper maintenance and training of staff;

(2) adequate signage; and

(3) a requirement for facilities to provide receivers that can use the technology for individuals who do not have a personal hearing device or do not have a hearing device with a telecoil or other built-in receiver.

(e) This section does not require State agencies or recipients of State funds to retrofit existing facilities that are not undergoing renovation.

(f) (1) (i) A person may bring a civil action for a violation of this section or if the person has reasonable grounds for believing that this section will be violated.

(ii) A person may not be required to take any other action before bringing a civil action under subparagraph (i) of this paragraph for a potential violation of this section if the person has actual notice that a recipient of State funds does not intend to comply with the requirements of this section.

(2) In a civil action brought under paragraph (1)(i) of this subsection, the court may:

(i) grant any equitable relief that the court considers appropriate, including:

1. temporary, preliminary, or permanent relief;

2. providing an auxiliary aid or service;

3. requiring a modification of policy, practice, or procedure; and

4. making facilities readily accessible to and usable by individuals with disabilities;

(ii) assess a civil penalty against the recipient of State funds;
or

(iii) award any other relief the court considers to be appropriate.

(3) If a court orders injunctive relief under paragraph (1) of this subsection, the order shall include a requirement that the facilities be altered to make the facilities readily accessible to and usable by individuals with disabilities to the extent required by this section.

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